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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 VIOLET BLUE, an Individual,
12 Plaintiff,
13 v.

14 ADA MAE JOHNSON a/k/a ADA
WOOFINDEN, an individual d/b/a
15 VIOLET BLUE a/k/a VIOLET a/k/a
VIOLET LUST; VIOLET BLUE, INC., a
16 California Corporation; and DOES 1-10,
17 Defendants.

Case No. C 07-5370 SI

**DECLARATION OF THOMAS ROCHE IN
SUPPORT OF PLAINTIFF BLUE'S
MOTION FOR PRELIMINARY
INJUNCTION**

Hon. Judge Illston
Courtroom 10, 19th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

Hearing Date: May 9, 2008
Hearing Time: 9:00 a.m.

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28 Case No. C 07-5370 SI

1 I, Thomas Roche, declare as follows:

2 1. My name is Thomas Roche and I am third party to this litigation. I have personal
3 knowledge of the facts in this declaration unless otherwise stated, and could and would
4 competently testify to them if called as a witness.

5 2. I have been in the field of fiction erotica since about 1987, when I sold my first
6 erotic novel. I moved to the non-fiction space for adult entertainment around 1998. I am
7 currently the public relations manager at Kink.com, the world largest fetish entertainment on-line
8 network. Kink.com creates short erotic on-line content for 11 websites that are updated once per
9 week.

10 3. I first met Violet Blue when she was working at a Good Vibrations retail store
11 sometime prior to 1999. She was a sales person and had recommended some erotic videos to me.

12 4. In the spring of 1999, I was the non-fiction editor at Gothic.net. Gothic.net was a
13 webzine (a web magazine) on the gothic lifestyle. It included erotica, BDSM, but principally the
14 focus was the gothic or morbid lifestyle.

15 5. In the spring of 1999, Violet Blue had pitched an idea for an article to me for
16 publication at Gothic.net. She proposed writing an article about lesbian vampire movies. I
17 thought it sounded like an interesting article and I hired her to write it. In or around May of 1999
18 she turned in the article entitled "Cult of the Fallen Woman," and it was published at Gothic.net.

19 6. I am confident about the time frame of these events, because I had just taken a
20 second position in April of 1999 at a web-based magazine called "Getting It"
21 (www.gettingit.com). That position was full time, and I remember finding that my position at
22 Getting It made it difficult for me to continue with my duties at Gothic.net. A few months later,
23 by the summertime of 1999, I left Gothic.net to devote my attention primarily to the Getting It
24 position.

25 7. During the time I worked for Getting It, I was still in communication with Violet
26 Blue. I knew she was continuing to write for various sources, and in particular I knew that she
27 was editing Necromantic.com, another on-line web magazine.

1 8. About a year later, in the summer of 2000, I left for a startup sex toy retailer
2 called Labida.com, but was not happy with that position. Violet Blue was still working for Good
3 Vibrations and mentioned to me that Good Vibrations was hiring a web magazine editor for the
4 Good Vibes Magazine. I understood that Ms. Blue had essentially started the web magazine for
5 Good Vibrations, but with her work as the adult film reviewer and editor, they needed someone
6 else to take the role as full time editor. Around October or November 2000, and after some
7 negotiations, Good Vibrations hired me to be the web editor for the Good Vibes Magazine. I
8 stayed in that position until about April 2001, when I moved to the position of Marketing
9 Manager for Good Vibrations.

10 9. Based on my role as the editor of the Good Vibes Magazine, and later as Good
11 Vibrations' marketing manager, I can attest that at that time Good Vibrations was an industry
12 leader in the sex-positive movement. Good Vibrations covered the adult industry and worked to
13 counter negative stereotypes of the porn industry. It also addressed sexual health concerns and
14 safer sex attitudes. It was one of the most important cultural influences in the development of the
15 sex-positive movement. It influence other similar retailers who imitated the Good Vibrations
16 model and the style of their video reviews, like the ones that Violet Blue authored. In the ten
17 years leading up to 2001, Good Vibrations had experienced explosive growth. The print catalog
18 reached tens of thousands of readers, in many countries. The website also, naturally, reached a
19 broad international audience.

20 10. In the 1999-2000 time frame, weblogs or blogging had not yet gained mainstream
21 popularity. On-line web magazines (or "webzines") had huge cultural impact because blogging
22 hadn't developed into the medium it is today. Also, the amount of web content at that time was

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1 much smaller, making the exposure of a specific webzine like Gothic.net or Good Vibes
2 Magazine, and the authors who write and edit them, much greater.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct. Executed this 24th day of April, 2008, at San Francisco,
5 California.

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Thomas Roche